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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,972	10/29/2003	Michal Jacovi	IL920030021US1	7990

7590 05/12/2009  
Stephen C. Kaufman  
IBM Corporation  
Intellectual Property Law Dept.  
P.O. Box 218  
Yorktown Heights, NY 10598

EXAMINER
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YAARY, MICHAEL D

ART UNIT	PAPER NUMBER
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2193

MAIL DATE	DELIVERY MODE
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05/12/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/695,972	<b>Applicant(s)</b> JACOVI ET AL.	
	<b>Examiner</b> MICHAEL YAARY	<b>Art Unit</b> 2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15-25 and 37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-25 and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 15-25 and 37 are pending in the application.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/04/2009 has been entered.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruths et al. (hereafter Ruths)(US Pub. 2003/0018719) in view of Frid-Nielsen (US Pat. 5,740,444).

Ruths was cited in the previous office action dated 11/06/2008.

5. **As to claims 15 and 37**, Ruths discloses a method comprising:

Enabling peer support for a user (abstract and [0011]), wherein said peer support is available from a universe of users with a commonality of interest with said user ([0011], lines 12-17); and enabling said user to communicate with at least one of said users ([0011], lines 12-17 and figure 2).

6. Ruths does not explicitly disclose the enabling is from within an integrated development environment (IDE), and wherein said commonality of interest is determined by at least one context of work within said IDE.

However, Frid-Nielson discloses the enabling is from within an integrated development environment (IDE), and wherein said commonality of interest is determined by at least one context of work within said IDE (Abstract; column 3, lines 28-40; and column 7, line 52-column 10 disclose an object-oriented development environment; more specifically an integrated development environment with interface accepting user instructions in a development system. Thus, when combined with the collaborative teachings of Ruths, the combination would allow for a collaborative integrated development environment.).

7. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the collaborative teachings of Ruths by implementing a

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user accessible integrated development environment, as taught by Frid-Nielson, for the benefit of allowing access to components located remotely from directly within an IDE. Furthermore, the combination would allow for comprehensive software development for a plurality of programmers. Motivation to combine can be found in that the IDE, as taught by Frid-Nielson, would allow provide a developer with the ability to easily manage complex data structures (Frid-Nielson, column 3, lines 19-25).

8. Claims 16-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruths and Frid-Nielson as applied to claim 15 above, and further in view of Fitzpatrick et al. (hereafter Fitzpatrick)(US Pat. 7,039,677).

Fitzpatrick was cited in the previous office action dated 11/06/2008.

9. **As to claim 16**, the combination of Ruths and Frid-Nielson do not disclose accessing peer support comprises displaying at least one list of existing topics of discussion and providing said user with a selector to select one of said topics.

However, Fitzpatrick discloses accessing peer support comprises displaying at least one list of existing topics of discussion and providing said user with a selector to select one of said topics (column 3, lines 24-31).

10. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Ruths and Frid-Nielson, by displaying

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topics of discussion, as taught by Fitzpatrick, for the benefit of expanding the collaborative capabilities in an integrated development environment.

11. **As to claim 17**, the combination of Ruths, Frid-Nielson, and Fitzpatrick disclose wherein said providing also comprises opening a window for said user to participate in selected discussion (Fitzpatrick, column 2, lines 59-62).

12. **As to claim 18**, the combination of Ruths, Frid-Nielson, and Fitzpatrick disclose wherein said opening comprises retrieving said selected topic from a collaborative development server (Ruths, [0068], lines 8-21).

13. **As to claims 19 and 22**, the combination of Ruths, Frid-Nielson, and Fitzpatrick disclose said accessing peer support comprises determining a context of work for a user of said peer support (Fitzpatrick, column 3, lines 37-40).

14. **As to claims 20 and 23**, the combination of Ruths, Frid-Nielson, and Fitzpatrick disclose selecting from said existing topics those related to said context of work (Fitzpatrick, column 3, lines 24-31 and 37-40).

15. **As to claim 21**, the combination of Ruths, Frid-Nielson, and Fitzpatrick disclose accessing peer support comprises providing a user with means to ask questions of peers (Ruths, [0068]).

16. **As to claim 24**, the claim is rejected for similar reasons as claims 15 and 16 above.

17. **As to claim 25**, the combination of Ruths, Frid-Nielson, and Fitzpatrick disclose said work is defined by at least one of the following: the current file, the current class, the current object, the current project, and the current function (Frid-Nielson, abstract).

### ***Response to Arguments***

18. Applicant's arguments filed 03/04/2009 have been fully considered but they are not persuasive.

Applicant argues that reduction to practice was obvious and that diligence is not lacking. Furthermore, applicant argues that examiner provides no reason for rejecting the claim of reduction to practice. Examiner respectfully disagrees. The declarations filed on 01/05/2009 and 03/04/2009 under 37 CFR 1.131 have been considered but are ineffective to overcome the Guthrie reference. As clearly communicated to in the previous telephone interview, interview summary, and advisory action, applicant has provided insufficient amount of evidence with the declaration. The effective filing date of the Guthrie reference is 02/10/2003. Applicant shows that formal disclosure was submitted to IBM on 10/15/2001 and an internal IBM document on 02/25/2002. What is lacking is any evidence to show diligence between 02/25/2002 and date of the Guthrie

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reference (02/10/2003). Examiner explained this in the previous interview on 02/12/2009 and applicant agreed to obtain evidence from IBM for that time period, however none was submitted. Nevertheless, examiner has replaced the Guthrie reference, as cited in the rejection above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL YAARY whose telephone number is (571)270-1249. The examiner can normally be reached on Monday-Friday, 8:00 a.m - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis Bullock can be reached on (571) 272-3759. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/M. Y./  
Examiner, Art Unit 2193

/Lewis A. Bullock, Jr./  
Supervisory Patent Examiner, Art Unit 2193